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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,954	01/15/2002	Mark O. Neill	6544-1005	5244
38939	7590	07/28/2005	EXAMINER	
DYKEMA GOSSETT PLLC 10 S. WACKER DR., STE. 2300 CHICAGO, IL 60606			SZYMANSKI, THOMAS M	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,954

Applicant(s)

NEILL, MARK O.

Examiner

Thomas Szymanski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 have been examined.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The applicant is requested to review the specification and update the status of all co-pending applications made mention of, replacing attorney docket numbers with current U.S. application or patent numbers when appropriate. References to U.S. applications or patents should make it clear as to what the number refers (e.g. U.S. Patent No. #), instead of listing only the number.

Claim Objections

4. Claim 6-12 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits. The examiner has taken claim 6 to be dependent upon claim 1 for purposes of this examination.
5. Claim 10 is objected to because of the following informalities: line 1 on page 18 consists of the grammatical error "the performing the performing the". The examiner

Art Unit: 2134

suggests that this be changed to read "performing the". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin et al U.S. Patent No. 5,958,050.

8. Regarding Claim 1: Authenticating a digital signature (Fig 5, Fig 6, Col 3 lines 45-47, Col 4 lines 58-59, Col 8 lines 51-67)

Authentication the document structure (Fig 4, Col 6 lines 52-60, Col 5 lines 1-5, Col 3 lines 46-52)

Indicating whether the document is invalid if either are not authentic (Col 7 lines 18-35, Col 8 lines 62-67)

9. Regarding Claim 2: extracting the signature (Col 8 lines 51-67, Fig 3) Griffin specifies that the certificates are received with signatures as such in order to perform a verification it is necessary by some means to extract the signature for the process to be viable.

Art Unit: 2134

Determining if the signature references a valid certificate (Col 8 lines 51-67, Col 10 lines 44-47)

10. Regarding Claim 3: determining if the certificate is valid (Col 8 lines 51-67)

Determination of a valid certificate is handled by way of verifying the associated signature.

Returning a valid response if the certificate is valid (Col 8 lines 62-66)

11. Regarding Claim 4: returning an invalid response if the certificate is not valid (Col 8 lines 62-66)

Terminating the examination (Col 7 lines 16-20, Col 7 lines 55-67) As specified by Griffin et al upon determination of the process being invalid the specified action is not implemented and as such the process is terminated.

12. Regarding Claim 5: marking shared memory that examination has failed (Col 8 lines 62-66) Griffin et al states that it is indicated that the process has failed. This indication is not limited so it may encompass indicating by means of marking shared memory to set a flag.

13. Regarding Claim 6: determining if the document is structurally and syntactically valid (Col 7 lines 19-25, Col 6 lines 52-58, Col 5 lines 3-5, Col 3 lines 45-52) Griffin et al provides for this feature by way of the code analyzer and the basic function of verifying a signature. The code analyzer must analyze those code for many separate things within the implementation, but without proper syntax the analyzer cannot do so.

Therefore, by virtue of its operation alone the code analyzer determines if the syntax

Art Unit: 2134

and document structure are proper. Further, the process of signature verification involves checking the integrity of the given document via the process itself.

14. Regarding Claims 7 and 8: extracting information relating to the structure/syntax (Col 6 lines 52-58) The system described by Griffin et al provides for this feature by the basic operation of analyzing the given code.

Comparing the information against a set of rules (Col 5 lines 3-5). In order to analyze anything there must be a set of rules or steps that dictate what is proper and what is not as such the trust manager of the Griffin et al system must provide for such means.

Upon verifying a match with the stored rules marking the document as valid (Col 8 lines 62-67)

15. Regarding Claims 9 and 10: If the document is not structurally/syntactically valid marking shared memory as such (Col 8 lines 62-66) Griffin et al states that it is indicated that the process has failed. This indication is not limited so it may encompass indicating by means of marking shared memory to set a flag. The system as specified would only continue under terms of everything being valid, therefore if the given document is not valid in a structural/syntax means then it would be marked as such as the code analyzer would not be able to proceed as necessary.

16. Regarding Claims 11, 12 and 13: Marking shared memory as invalid terminates examination (Col 8 lines 62-66) As stated by Griffin et al if any portion of the document is determined to be invalid then the desired operation is not performed and hence it would then be terminated.

Art Unit: 2134

17. Regarding Claim 14: Any change within the shared memory value denotes a termination of examination (Col 8 lines 62-66) As specified the manner by which indication is denoted can be any flag representation. There is no limitation placed on the manner in which the current state is made known to the system so it may be represented in such a manner as a value change within a memory location.

18. Regarding Claim 15: examining the structure and signature occur as multiple threads within the same process (Fig 3) As it may be seen from the provided figure Griffin et al represents the two separate processes of structure and signature validation by two separate parallel modules, additionally any modern day processor that is implemented within the system would be capable of executing the method in a manner of a threaded process. As specified by Griffin et al it can be seen that given an implementation with separate modules or within a single CPU the execution of such a system in parallel is anticipated by Griffin et al.

19. Regarding Claim 16: signature verification module (Fig 3 part 122, 128, 130)

Structure verification module (Fig 3 part 122, 120)

State processor (Fig 3 part 104)

Upon detection of a failure in either module examination is terminated (Col 7 lines 55-67) As specified by Griffin et al upon determination of the process being invalid the specified action is not implemented and as such the process is terminated.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of art disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

21. Inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas M. Szymanski who can be reached at (571) 272-8574. The examiner's normal working schedule is between the hours 8:00am – 4:30pm (EST), Monday – Friday.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/2/08
David Y. Jung
Primary Examiner
D. O. J.